

STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

Document Number: 2907-102P

Applicant, Patentee, or Identifier: Robert Scott NIEBOER et al.

Application or Patent No.: not assigned

Filed or Issued: not assigned

Title: DOUBLE DUTCH AUCTION FOR ESTABLISHMENT AND MAXIMIZATION OF SALES PRICE OF GENERIC FUNGIBLE ITEMS

I hereby state that I am

the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN 5th Market, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 104 Woodmont Blvd., Suite 200
Nashville, Tennessee 37205

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 37 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

no such person, concern, or organization exists.
 each such person, concern, or organization is listed below.

5th Market, Inc.

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities.
(37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is not longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Robert Scott NIEBOER

TITLE IN ORGANIZATION OF PERSON SIGNING Chief Executive Officer

ADDRESS OF PERSON SIGNING 217 Lynwood Terrace, Nashville, TN 37205

SIGNATURE

DATE 7/20/00